UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '07 MJ 2950
Plaintiff,	)	FILED 2007 DEC 21 AM 9:57
v.	)	COMPLAINT FOR VIOLATION OF:
Hugo Antonio LOPEZ-Guzman,	)	Title 8, U.S.C., Section 1326 Deported ~~Alien Found in the~~ United States
Defendant	)	Title 18, U.S.C., Section 751(a) Prisoner Attempted Escape from Custody of Attorney General

The undersigned complainant, being duly sworn, states:

COUNT 1

On or about **December 19, 2007** within the Southern District of California, defendant, **Hugo Antonio LOPEZ-Guzman,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

COUNT 2

On or about the December 19, 2007 at Chula Vista, California in the Southern District of California, the defendant, **Hugo Antonio LOPEZ-Guzman**, did knowingly escape (or attempt to escape) from custody of an officer of the United States, to wit Border Patrol Agent Christopher Jones wherein he was held by virtue of his lawful arrest for a felony offense, to wit, Title 8 United States Code, Section 1326 all in violation of Title 18, United States Code, Section 751(a).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **DECEMBER 2007**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Hugo Antonio LOPEZ-Guzman

PROBABLE CAUSE STATEMENT

On December 19, 2007 Senior Patrol Agent C. Jones, was patrolling in the Chula Vista Border Patrol Station's area of operations. At approximately 3:30 PM Agent Jones responded to Chula Vista Police request for an immigration evaluation on a individual later identified as the defendant, **Hugo Antonio LOPEZ-Guzman**. Agent Jones arrived at the scene near East H Street and Paseo Ranchero and contacted Chula Vista Police Officer D. Rivers. Officer Rivers had stopped the defendant for having inoperable lights on the vehicle he was driving. Officer Rivers then detained defendant and cited him for driving without a license and driving with no insurance. Agent Jones identified himself to the defendant as a Border Patrol Agent and performed an immigration inspection. The defendant admitted to being a citizen of Mexico illegally present in the United States. At approximately 3:40 PM Agent Jones arrested the defendant and placed him in his marked service vehicle and transported him the Chula Vista Border Patrol Station for processing.

While traveling westbound on East H Street enroute to the Chula Vista Border Patrol station Agent Jones observed a group of four men walking south on Paseo Del Rey in Chula Vista, California. When the men saw Agent Jones approach they began to walk the other way. Agent Jones pulled up to the four men and conducted an immigration interview. Three of the men had proper documents. One admitted that he did not. Agent Jones took that subject into custody and proceeded to place him in the back of his service vehicle.

As Agent Jones opened the back door of his vehicle, the defendant, who had been inside, rushed out through the opened door of the vehicle between Agent Jones and the subject and attempted to flee on foot. Agent Jones gave chase and managed to grab hold of the defendant's shirt. The defendant spun free as the shirt came off and continued to flee. Agent Jones pursued and tackled the defendant in the street. A struggle ensued as defendant kicked and swung his arms in an attempt to break free. Agent Jones used his service issued OC spray on the defendant without effect. The defendant's continued flailing and kicking was causing Agent Jones to lose control of defendant. During the struggle Agent Jones struck the defendant on the head twice with his bare fists before a bystander intervened and assisted Agent Jones in subduing the defendant. After the defendant was under control Agent Jones took an assessment of himself and found that he had injured his hand (possibly a broken knuckle), skinned and bloodied knees, bruised elbows, sore back, and a torn uniform.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 11, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

CONTINUATION OF COMPLAINT:
Hugo Antonio LOPEZ-Guzman

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant admitted that he is a citizen of Mexico illegally present in the United States. He entered the United States illegally about four months ago by walking through the mountains thus avoiding inspection by immigration officials. The defendant intended to go to Sacramento, California to be with family and seek employment.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

12/21/07, 0925hrs
Date/Time